

**BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001**

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POSTAL REGULATORY
COMMISSION
OFFICE OF THE SECRETARY

Stamford Post Office
Stamford, Connecticut

Docket No.: A2014-1

**RESPONSE OF KAYSAY H. ABRHA IN OPPOSITION TO UNITED STATES
POSTAL SERVICE MOTION TO DISMISS PROCEEDING
(November 13, 2013)**

On October 28, 2013, the United States Postal Service (USPS) filed a motion pursuant to Rule 21 of the Commission's Rules of Practice, 39 CFR 3001.21 seeking dismissal of the instant proceeding. For the reasons set forth below, the Petitioner, Kaysay H. Abrha requests that the Commission deny the motion.

The Petitioner adapts and supports the Response of the Public Representative that the Motion to Dismiss must be denied. What happened to Mr. Abrha, a customer of the post office, in this case? He went to the post office, as was his usual practice, to obtain his mail from his post office box on Friday, September 20, 2013, only to find out that his post office would be closed at the end of the day. He was not offered a replacement post office box. Nor was he offered a refund for the inconvenience or for the months of service he had paid for and not yet received. Is this the way to treat a customer? Many other Stamford post office customers found out for the first time that the post office was closed by a notice on the door when they arrived at the facility to transact some postal business.

THE USPS'S MOTION TO DISMISS

The Public Representative correctly and clearly stated the Postal Services reasons for the Dismissal Motion in her filing on November 8, 2013. I will not repeat it here.

THE USPS'S ARGUMENT THAT THE CASE IS NOT RIPE IS WRONG. THE STAMFORD POST OFFICE WAS CLOSED.

The action of the USPS with respect to the Stamford, Connecticut post office is a de facto closure. The Postal Service argues that this case is not ripe for Commission consideration because the closure of the Stamford Post Office was an "emergency suspension", not a consolidation or closure. There are only three stages in a post office's life after it is commissioned and opened. It can be relocated, subject to an emergency suspension or consolidated or closed. The Stamford, Connecticut post office was originally treated as a relocation by the USPS when it was slated to be sold as excess and unnecessary property back in 2010. The actual notice posted at the Stamford, Connecticut post office on September 18, 2013, two days before it was closed (See Exhibit A attached) stated that there was no replacement post office at the date of closing and mail services for the regular customers of that postal location would have to be obtained from several other locations, depending upon the service. The post office box customers, like Mr. Abrha, were left without any postal box service.

Once a lawsuit in Federal District Court in Connecticut was filed on September 25, 2013 to stop the sale of the post office due to irregularities in the sale process and for other legal reasons, the USPS changed its position, took down the original notices and repositioned the closing event as an “emergency suspension”. However, the emergency suspension regulation cannot apply if the emergency suspension is caused by OSHA or safety and welfare violations. See, 39 U. S. C. § 404(B). The argument of the USPS, that the Stamford Post Office is not fit for its employees to work in, is belied by the fact that the conditions have been the same since the offer of the Center for Art and Mindfulness, Inc. to buy the property in the summer of 2012. Yet, the workers continued to work in the building until September, 2013, more than a year later. By process of elimination, the USPS has boxed itself into a corner—the closure corner. The only regulatory definition that these facts now fit into is that the Stamford, Connecticut action taken by the USPS was a closure.

The USPS has failed to comply with the closure and consolidation statutory requirements set forth at 39 U. S. C. 404 (d), including 60 day notice directly by letter to its customers, a public hearing (Id. at (d)(1)) to consider the closing’s effect on customers, employees and others (Id. at (d)(2)), and a written report on closure (Id. at (d)(3)) , and the decision to close may not to be implemented until 60 days after the written decision to close. 39 U. S. C. 404 (d)(4).

The emergency nature of the suspension is suspect. The emergency suspension is meant to be used for natural disasters, war or some third party occurrence that causes a need for a temporary shutdown of a post office, not one caused by several years of neglected

maintenance of the property in question. In addition, when the Center for Art and Mindfulness, Inc. was negotiating to purchase the building in the summer of 2012, its executives were told that it would take the USPS one year to find replacement rental space for the USPS. The USPS clearly had enough time to find replacement space from September, 2012 when it started negotiations with Louis Cappelli until September, 2013, the anticipated sale of the property to a Cappelli entity. Furthermore, days before the proposed Cappelli sale, the USPS and the Cappelli Entity agreed to sign a 30 month lease back of the building to the USPS for a prepaid rent of \$300,000. If the Stamford Atlantic Street post office was closed due to an “emergency suspension” for the deterioration of the building and it is not habitable by USPS employees, why was the USPS willing to sign a 30 month lease back that required it to prepaying \$300,000 for space it will not use? Perhaps that is a sign that no emergency existed at all. Or is it just another price adjustment down to \$4 million for the Cappelli entity buyer for space the USPS will not use? Also, posted on Loop Net (a real estate sale and leasing site on the internet) was a proposed lease for the building in advance of the anticipated sale, which is an indication that the USPS and the anticipated buyer thought the building was sufficient to lease space in it to new tenants once the USPS left the building.

**THE USPS VIOLATED ITS OWN HANDBOOK RULES ON CONSOLIDATION OR
CLOSURE OF A POST OFFICE**

As clearly pointed out by the Public Representative, the USPS has not followed the obligations written in its Handbook for the closure of a post office. See, Public Representative Response, at page 4-5.

**THE USPS HAS VIOLATED THE INTENT OF CONGRESS ON POST OFFICE
CLOSURES AND VIOLATED THE ADVISORY OPINION OF THE COMMISSION
ON POST OFFICE CLOSURES OR CONSOLIDATIONS.**

The USPS has, through its handbook, decreed post offices into two new categories, branches and stations. But it may not reclassify post offices in violation of the statute passed by Congress that requires a notification to customers, and some study on the affects upon service levels, the customers and employees before a post office is closed. Congress passed 39 U. S. C. 405 (d) for a reason. The USPS cannot abrogate the clear intent of Congress by writing a handbook provision that contradicts that mandate. In addition, the Commission rejected this approach to closures in its Advisory Opinion Concerning the Process for Evaluating Closing Stations and Branches, March 10, 2010 at 65-66. Even in that request for separate treatment of stations and branches suggested ten days written notice, not two days posted notice in the lobby and outside doors of the facility to be closed. A post office is always a post office until Congress decides to give the USPS the power to designate some USPS buildings as something less than that.

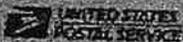
For the reasons stated by the Public Representative and the reasons set forth herein, Kaysay H. Abrha respectfully requests that the Commission deny the USPS Motion to Dismiss.

Respectfully submitted,

/s/ Drew S. Backstrand

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POSTMASTER
STAMFORD Post Office



September 18, 2013

Dear Postal Customer:

At the close of business on Friday, September 20th, we will vacate this location -- 421 Atlantic Street -- as the sale of our building advances.

At this time, we have not yet found a permanent new location. But we will continue to explore all of our alternatives to find a new permanent location to provide you with full postal services within the immediate area.

However, for the short term, PO Box customers will be required to pick up their mail at 317 West Avenue in Stamford, from 9 a.m. until 5 p.m. on Monday through Friday and from 9 a.m. to 2 p.m. on Saturday. Beginning September 28th, retail services will also be available at 317 West Avenue from 9 a.m. until 2 p.m. on Saturday. Customers may be required to provide identification to receive their mail.

We are working to build up our 317 West Avenue location to provide our current Atlantic Street PO Box customers with a new PO Box at that site by late fall or early winter. Those PO boxes will be made available at the West Avenue site until we find a new permanent location. No change of address will be required by any current PO Box customers during this transition.

Customers will be required to get a new key once the PO Boxes are available. They should present their old key to postal personnel at that time in order to receive the new key.

Retail services are also available at the following locations:

18 High Ridge Road Stamford CT 06905	Monday through Friday 8:30 am. to 5:00 pm.	Saturday 9:00am. to 2:00pm.
310 Hops Street Stamford CT 06905	9:00 am. to 5:00 pm.	
317 West Avenue Stamford CT 06905	9:00 am. to 5:00 pm.	9:00am to 2:00pm Starting Sept. 28, 2013
24 Camp Avenue Stamford CT. 06907	8:30 a.m. to 5:30 p.m.	8:30am. to 2:00 pm

You can also go to www.usps.com and click on postal locations to find many other locations in the area that sell stamps and other postal products or to order them online.

We apologize for any inconvenience to our customers and look forward to continuing to meet your postal needs well into the future.

For further assistance you can contact Customer Service Coordinator Lisa Landone at (203) 321-3910.

Sincerely,

Jeff Sherman
Postmaster
Stamford CT 06907

24 Camp Avenue

Exhib. 114

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POSTAL REGULATORY
COMMISSION
OFFICE OF THE SECRETARY

Via Federal Express

November 13, 2013

Postal Regulatory Commission
901 New York Avenue NW, Suite 200
Washington, D. C. 20268-0001

Re: Stamford Post Office,
421 Atlantic Street
Stamford, Connecticut 06904.

Re: Appeal of the Postal Service's Closure of the Stamford CT Post Office
Docket No. A2014-1.

Dear Commissioners:

I am filing the attached Response of Kaysay H. Abrha in Opposition to the United States
Postal Service's Motion to Dismiss.

Very truly yours,



Drew S. Backstrand

cc: Kaysay H. Abrha